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EXAMINER

RAMPURIA, SATISH

ART UNIT

PAPER NUMBER

2191

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/730,435	Applicant(s) CHANDRASEKHAR ET AL.	
	Examiner Satish S. Rampuria	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the application filed on December 08, 2003.
2. Claims 1-20 are pending.

Information Disclosure Statement

3. An initialed and dated copy of Applicant's IDS form 1449 filed on May 17, 2004 is attached to the instant Office action.

Oath/Declaration

4. The Office acknowledges receipt of a properly signed oath/declaration filed December 08, 2003.

Drawings

5. The drawings were received on December 08, 2003. These drawings are not acceptable by the examiner.
 - a. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Element 100 in page 5, line 1, Element 212 in page 6, line 17, and Element 308 in page 8, lines 12-13.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- b. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:
Element 170 in Figure 1; and Element 300 in Figure 3.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:
 - a. For element 120, "target information handling system" should be changed to "target system" in page 5, lines 4-6, 10, 16, 21 and page 6, lines 1, 6-7, 13 in order to be consistent with the descriptive text labels in the drawing.
 - b. For element 132, "conversion module" should be changed to "module conversion" in page 5, line 19 in order to be consistent with the descriptive text labels in the drawing.
 - c. For Element 144, "network connection" should be changed to "network connections" in page 6, line 14 in order to be consistent with the descriptive text labels in the drawing.
 - d. For Element 202, "processor" should be changed to "CPU" in page 6, line 14 in order to be consistent with the descriptive text label in the drawing.
 - e. For Element 308, "image library" should be changed to "composite program file image library" in page 8, line 18 in order to be consistent with the descriptive text label in the drawing.
 - f. For Element 308, "server" should be changed to " repack and script regeneration server " in page 9, line 13 in order to be consistent with the descriptive text label in the drawing.
 - g. For Element 308, "composite program file library" should be changed to "composite program file image library" in page 10, line 5 in order to be consistent with the descriptive text label in the drawing.

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- h. For Element 618, "script and installation validation server" and "server" should be changed to "script and installer validation server" in page 10, lines 14-15 and on line 17 "server" should be changed to "script and installer validation server" in order to be consistent with the descriptive text label in the drawing.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Clarification and/or correction are required.

Claims 1, 2, 3-6, 15, 16, 18-20 recites the limitations "operable" and "operably", which is similar to capable of, it is not clear whether it is operable or it in idle state. Examiner interpreted the limitation in the claims without having those limitations.

Claims 1, 15, 16, recites the limitation "said program files", "said software" and "said repack and script server". There is insufficient antecedent basis for this limitation in the claim.

Claims 4, 5, 8, 9, 15, 16, 18, and 19 recites the limitation "said program files". There is insufficient antecedent basis for this limitation in the claim.

Claims 11, 12, 18, and 19 recites the limitation "said software file" and the limitation "said software". There is insufficient antecedent basis for this limitation in the claim.

The rejection of the base claim is necessarily incorporated into the dependent claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is non-statutory because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea which would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Claim recites a system for automated dissemination of software..., representing functional descriptive material without a computer readable storage medium or a memory; program code / software per se are not tangibly embodied, thus, amounts to only abstract idea and are nonstatutory. Claims 2-7 are directly or indirectly dependent on claim 1 and further support a system for automated dissemination of software without a computer readable storage medium or a memory, program code / software per se are not tangibly embodied, thus, amounts to only abstract idea and are nonstatutory.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 2, 4, 5-8, 11-15, 18-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5-8, 11-15, 18-20 of copending Application No. 10/657,989 (hereinafter '989) in view of U.S. Patent No. 6,075,943 to Feinman (hereinafter called Feinman).

This is a provisional obviousness-type double patenting rejection.

Claim 1 of Application the '989 is compared to Claims 1 and 2 of the instant application in the table below. The differences is that a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system.

However, Feinman discloses in an analogous computer system a script validation server operably coupled to said repack and script regeneration server and said distribution server, said

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script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system (FIG. 1B, element 11 and FIG. 7, element 3; col. 3, lines 44-67 and col. 4, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system as taught by Feinman in the method and system for automated validation scripting, dissemination and installation of software as taught by '989. The modification would be obvious because of one of ordinary skill in the art would be motivated to incorporate a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to a target information handling system, since it is not practical for someone to send the application to worldwide sites manually because many sites require late night delivery and also due to the sheer volume of user sites as suggested by Feinman (col. 1, lines 26-32).

Claim 8 of the instant application is an independent method claim that corresponds to Claim 1 of the instant application, and as such is provisionally rejected for the reasons set forth in the provisional double patenting rejection of Claim 1 above.

Claim 15 of the instant application is an independent system claim that corresponds to Claim 1 of the instant application, and as such is provisionally rejected for the reasons set forth in the provisional double patenting rejection of Claim 1 above.

Instant Claim	'989 Claim
<p>1. A system for automated dissemination of software to an information handling system, comprising:</p> <p>a distribution server operable to receive a software application file;</p> <p>a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to:</p> <p>disassemble said software application file into a plurality of individual program files; generate an index of said individual program files; identify and remove redundant program files; generate a composite program file library containing a plurality of said program files; and generate scripts for automatically controlling the transfer of said program files to an information handling system; and a download server operable to transfer said software to a target information handling system.</p> <p>2. The system of claim 1, further comprising a</p>	<p>1. A system for automated dissemination of software to an information handling system, comprising:</p> <p>a distribution server operable to receive a software file;</p> <p>a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to</p> <p>disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software files; a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to a target information handling system; and a download server operable to transfer said software to a target information handling system after verification that said software file complies</p>

script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system.	with a set of predetermined parameters.
4. The system of claim 1, wherein said distribution server is operable to scan said software file for viruses.	4. The system of claim 1, wherein said distribution server is operable to scan said software file for viruses.
5. The system of claim 1, further comprising a test control server operable to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system.	5. The system of claim 1, further comprising a test control server operable to confirm the download of said software file to said target information handling system and to verify proper operation of said software file on said target information handling system.
6. The system of claim 1 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system.	6. The system of claim 1 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system.

<p>7. The system of claim 1 further comprising an archive server, wherein said repack and script regeneration server is operable to transfer copies of composite program file library to said archive server for storage thereon.</p>	<p>7. The system of claim 1 further comprising an archive server, wherein said repack and script regeneration server is operable to transfer copies of said repackaged software file to said archive server for storage thereon.</p>
<p>8. A method for automated dissemination of software to an information handling system, comprising:</p> <p>receiving a software application file;</p> <p>disassembling said software application file into a plurality of individual program files;</p> <p>generating an index of said individual program files; identifying and removing redundant program files; generating a composite program file library containing a plurality of said program files; and</p> <p>transferring said software to a target information handling system.</p>	<p>8. A method for automated dissemination of software to an information handling system, comprising:</p> <p>receiving a software file;</p> <p>disassembling said software file and repackaging said software file with scripts for automatically controlling the transfer of said software file; generating commands to control the automatic downloading of software images of said software file to a target information handling system; and</p> <p>transferring said software to a target information handling system after verification that said software file complies with a set of predetermined parameters.</p>
<p>11. The method of claim 8, further comprising</p>	<p>11. The method of claim 8, further comprising</p>

<p>the step of scanning said software file for viruses.</p> <p>12. The method of claim 8, further comprising the steps of confirming the download of said software file to said target information handling system and verifying proper operation of said software file on said target information handling system.</p> <p>13. The method of claim 8, further comprising the step of notifying a manager regarding the status of the software file within the software distribution system.</p> <p>14. The method of claim 8, further comprising the step of transferring copies of said composite program file library to an archive server for storage thereon.</p>	<p>the step of scanning said software file for viruses.</p> <p>12. The method of claim 8, further comprising the steps of confirming the download of said software file to said target information handling system and verifying proper operation of said software file on said target information handling system.</p> <p>13. The method of claim 8, further comprising the step of notifying a manager regarding the status of the software file within the software distribution system.</p> <p>14. The method of claim 8, further comprising the step of transferring copies of said repackaged software file to an archive server for storage thereon.</p>
<p>15. An information handling system, comprising:</p>	<p>15. An information handling system, comprising:</p>

<p>a data processor; data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software dissemination system comprising: a distribution server operable to receive a software application file;</p> <p>a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to:</p> <p>disassemble said software application file into a plurality of individual program files; generate an index of said individual program files; identify and remove redundant program files; generate a composite program file library containing a plurality of said program files; generate scripts for automatically controlling the transfer of said program files to an information handling system; and a download server operable to transfer said software to a target information handling system.</p>	<p>a data processor; data storage having a software file stored thereon, said software file being transferred to said data storage by an automated software dissemination system comprising; a distribution server operable to receive a software file;</p> <p>a repack and script regeneration server operably connected to said distribution server, said repack and script server operable to</p> <p>disassemble said software file and repackage said software file with scripts for automatically controlling the transfer of said software files; a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to said information handling system; and a download server operable to transfer said software to said information handling system after verification that said software file complies with a set of</p>
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<p>18. The information handling system of claim 15, wherein said distribution server is operable to scan said software file for viruses.</p> <p>19. The information handling system of claim 15, further comprising a test control server operable to confirm the download of said software file to said information handling system and to verify proper operation of said software file on said target information handling system.</p> <p>20. The information handling system of claim 15 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system.</p>	<p>predetermined parameters.</p> <p>18. The system of claim 15, wherein said distribution server is operable to scan said software file for viruses.</p> <p>19. The system of claim 15, further comprising a test control server operable to confirm the download of said software file to said information handling system and to verify proper operation of said software file on said target information handling system.</p> <p>20. The system of claim 15 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system.</p>
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Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3, 6, 8, 13, 15, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,991,543 to Amberg et al. (hereinafter, Amberg).

Per claim 1:

Amberg discloses:

1. A system for automated dissemination of software to an information handling system, comprising:

a distribution server operable to receive a software application file (FIG. 1, element 140; col. 3, lines 48-55 and 59-66);

a repack and script regeneration server operably connected to said distribution server (FIG. 1, element 140; col. 4, lines 8-14, col. 9, lines 56-67, and col. 10, lines 1-2), said repack and script server operable to:

disassemble said software application file into a plurality of individual program files (FIG. 4, element 440 and col. 6-7, lines 66-67, 1-6);

generate an index of said individual program files (FIG. 3A and col. 5, lines 34-47);

identify and remove redundant program files (col. 2, lines 44-47);

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generate a composite program file library containing a plurality of said program files (FIG. 3A and col. 5, lines 34-47); and

generate scripts for automatically controlling the transfer of said program files to an information handling system (FIG. 3A and col. 5, lines 34-47); and

a download server operable to transfer said software to a target information handling system (FIG. 1, element 170, and 190; FIG. 2, element 202, and col. 10, lines 61-64).

Per claim 3:

The rejection of claim 1 is incorporated and further, Amberg discloses:

3. The system of claim 1, wherein said download server comprises a software image cache, said composite program file library being stored in said software image cache (col. 4, lines 49-54).

Per claim 6:

The rejection of claim 1 is incorporated and further, Amberg discloses:

6. The system of claim 1 wherein said distribution server is operable to notify a manager regarding the status of the software file within the software distribution system (col. 14, lines 20-25).

Claims 8, 13 are the method claim corresponding to system claims 1 and 6 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1 and 6 respectively, above.

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Claims 15, 20 are the apparatus claim corresponding to method claims 1 and 6 respectively, and rejected under the same rationale set forth in connection with the rejection of claims 1 and 6 respectively, above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 5, 9, 10, 12, 16, 17, and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of US Patent No. 6,075,943 to Feinman (hereinafter, Feinman).

Per claim 2:

The rejection of claim 1 is incorporated and further, Amberg does not explicitly disclose a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system.

However, Feinman discloses in an analogous computer system a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the

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downloading of said program files to a target information handling system (FIG. 1B, element 11 and FIG. 7, element 3; col. 3, lines 44-67 and col. 4, lines 1-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of said program files to a target information handling system as taught by Feinman in the method of software installation for a build-to-order as taught by Amberg. The modification would be obvious because of one of ordinary skill in the art would be motivated to incorporate a script validation server operably coupled to said repack and script regeneration server and said distribution server, said script validation server operable to generate commands to automatically control the downloading of software images of said software file to a target information handling system, since it is not practical for someone to send the application to worldwide sites manually because many sites require late night delivery and also due to the sheer volume of user sites as suggested by Feinman (col. 1, lines 26-32).

Per claim 5:

The rejection of claim 1 is incorporated and further, Amberg discloses:

a test control server operable to confirm the download of said software file to said target information handling system (FIG. 11, col. 12, lines 1-3 and 62-67; and col. 13, lines 1-12)

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Amberg does not explicitly disclose and to verify proper operation of said software file on said target information handling system.

However, Feinman discloses in an analogous computer system and to verify proper operation of said software file on said target information handling system (FIG. 5, element 70; col. 3, lines 40-43, and col. 5, lines 18-21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method of and to verify proper operation of said software file on said target information handling system as taught by Feinman into the method of software installation for a build-to-order as taught by Amberg. The modification would be obvious because of one of ordinary skill in the art would be motivated to to verify proper operation of said software file on said target information handling system so that any corrective action could be taken in the event that there is a problem, which is especially important if the installation system is to run unattended as suggested by Feinman (col. 1, lines 33-37).

Claims 9, 12, 10 are the method claim corresponding to system claims 2, 5, 3 and rejected under the same rationale set forth in connection with the rejection of claims 2, 5, 3 above.

Claims 17, 16, 19 are the system claim corresponding to system claims 2, 5, 3 and rejected under the same rationale set forth in connection with the rejection of claims 2, 5, 3, above.

12. Claims 4, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of Feinman, and further in view of US Patent No. 6,088,803 to Tso et al. (hereinafter, Tso).

Per claim 4:

The rejection of claim 1 is incorporated and further, neither Amberg nor Feinman explicitly disclose wherein said distribution server is operable to scan said software file for viruses.

However, Tso discloses in an analogous computer wherein said distribution server is operable to scan said software file for viruses (FIG. 2, element 40; col. 2, lines 62-67; and col. 3, lines 1-5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of wherein said distribution server is operable to scan said software file for viruses as taught by Tso in the method of software installation for a build-to-order as taught by the combination of Amberg and Feinman. The modification would be obvious because of one of ordinary skill in the art would be motivated to wherein said distribution server is operable to scan said software file for viruses to scan said software file for viruses in order to minimize breaches in system integrity as suggested by Tso (col. 1, lines 27-28).

Claims 11 are the method claim corresponding to system claims 4 and rejected under the same rational set forth in connection with the rejection of claims 4, above.

Claims 18 is the system claim corresponding to system claims 4 and rejected under the same rational set forth in connection with the rejection of claims 4, above.

13. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg in view of Feinman and further in view of US Patent No. 6,378,054 to Karasudani et al. (hereinafter, Karasudani).

Per claim 7:

The rejection of claim 1 is incorporated and further, neither Amberg nor Feinman explicitly disclose an archive server, wherein said repack and script regeneration server is operable to transfer copies of composite program file library to said archive server for storage thereon.

However, Karasudani discloses in an analogous computer system an archive server, wherein said repack and script regeneration server is operable to transfer copies of composite program file library to said archive server for storage thereon (col. 11, lines 60-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of an archive server, wherein said repack and script regeneration server is operable to transfer copies of composite program file library to said archive server for storage thereon as taught by Karasudani in the method of software installation for a build-to-order as taught by the combination of Amberg and Feinman. The modification would be obvious because of one of ordinary skill in the art would be motivated to an archive server, wherein said repack and script regeneration server is operable to transfer copies of composite program file library to said archive server for storage thereon in order to minimize damages by immediately recovering a data file in the event of problems, such as the loss of data as suggested by Tso (col. 1, lines 26-29).

Claims 14 is the method claim corresponding to system claims 7 and rejected under the same rational set forth in connection with the rejection of claims 7, above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **(571) 272-3732**. The examiner can normally be reached on **8:30 am to 5:00 pm** Monday to Friday except every other Friday and Wednesday and federal holidays. Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: 571-272-2100**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wei Y. Zhen** can be reached on **(571) 272-3708**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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